
1970s

The Gavel

10-3-1973

1973 Vol. 22 No. 1

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1970s

How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1973 Vol. 22 No. 1" (1973). 1970s. 65.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1970s/65

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1970s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.



The Gavel

"Beware of all new enterprises that require new clothes."

THOREAU

Volume 22 No. 1 October 3, 1973

The Student Newspaper of The Cleveland State University College of Law

TOWARD A RESPONSIBLE NEWSPAPER by Richard Musat

Nothing is permanent in our present society from Law School buildings to \$29.95 paint jobs. Amongst this seemingly endless dialectic, you may also find a new newspaper, staff, and GAVEL policy. As editor of the newspaper this year, I deem it necessary to delineate the parameters of responsibility and function of a newspaper at an academic institution. The most important aspect of a newspaper is freedom. The free flow of expressed thought through a written medium can be a glorious market place for exchange of ideas. Unlike the spoken word, a written piece may be digested at the reader's pace and the person may salivate, chew or swallow it, or gurgitate on it as he or she likes. Each and every person affiliated with this institution is affected, sometimes accosted, by a situation, involvement, or incident that moves him one way or another. THE GAVEL invites you to jet down these experiences in the literary style that suits you best and drop it into our mailbox or better yet walk into the cellar office (Room 0072).

A newspaper should be entertaining, and as we all pursue our legal education-whether you view it as nothing more than a labyrinth in which there is a three or four year duration or feel that it is a stimulating intellectual experience-there are times for humor. Personally, I like funny things. Hope you do too and also like to write about them.

Along with having a sense of humor, a paper must possess the ability to disseminate information in a clear, objective manner. Law School activities, new programs, student organizations, developments in the law, and anything that an individual in the Law School feels is

newsworthy should be dutifully placed in our, hopefully, weekly newspaper. In the area of information, THE GAVEL, asks any student who is interested in the faculty-administrative central of the Law School and would like to attend Faculty Meetings as a GAVEL reporter to stop in at our office. The idea here is that it would effectuate an objective and informative "Faculty Meeting" column if a different student would attend each faculty meeting. Perhaps not always objective, but at least, a variety of points of view.

This newspaper also has the responsibility to let it be known when salutations should be placed upon the administration of our school for a job well done. This is not hard to do and certainly for the most part no hassle will evolve from it- even if the pat on the back is misplaced. However, congratulations are not always in tune with the drummer of the day and in order to instigate the often slow process of change a voice must call out. This is our duty and I hope there are strong voices amongst us. Certainly, we are not all happy when droplet are trickling down our arms in class, nor when you take two breaths to no avail. If you are an upperclassman- How enjoyable was it when you noticed that the course schedule for this year was like a flip-flop?

THE GAVEL will not plot a course. We need you for direction. This is your forum.

NEW LOOKS FOR THE GAVEL

by Burr Anderson

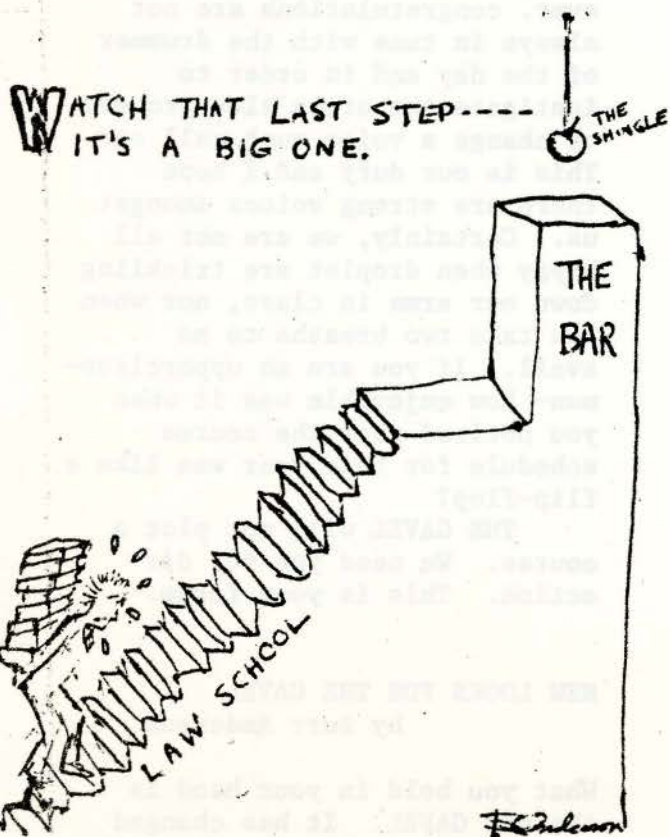
What you hold in your hand is the new GAVEL. It has changed not only in looks but in a few other ways.

This year the newspaper will be published more often than in the past. The content will change too. It will be more current. THE GAVEL will report less about extra-campus non-legal affairs.

We decided to adopt a new mode of operation for two reasons. First, THE GAVEL, like many other student organizations has a slender budget. The physical change in the newspaper is more complementary to our present budget than the previous format. Second, the editors felt a need to publish at the university campus. This will mean the ability to publish more often and to respond more promptly to developments at the Law School and in the law itself. Last year the procedure of publishing THE GAVEL through a printer (who was out of town) took an average of ten days. With the present approach, THE GAVEL may be put together and printed within forty-eight hours. (Hopefully!)

In addition to these matters, THE GAVEL no longer serves as a link between the Law School and alumni and the Alumni Association. A newsletter has moved into that role. Our business, therefore, will not to any great extent involve what was formerly a crucial and important readership.

Writers in the school who long to express yourselves: Visit our editorial office, Room 0072, in the basement of the Law School and join us. We have accommodations for many scribes.



"THEY MADE US MANY PROMISES, MORE THAN I CAN REMEMBER, BUT THEY NEVER KEPT BUT ONE: THEY PROMISED TO TAKE OUR LAND, AND THEY TOOK IT."

WOUNDED KNEE

by Ted Meckler

As we all got bogged down the last few weeks of winter quarter in preparation for the final day of reckoning, a dramatic political struggle with serious legal implications was taking place at Wounded Knee, South Dakota. A brave group of Indian men and women returned to the site of an 1893 Indian massacre to state their case before the American people. Throughout the long history of American injustice, perhaps, the most disturbing story of all is that of the American Indian. This land was all their land and they treated it with sacred respect. Today over 350 years after the white man began to settle on this continent, the Indians sacred land culture, and very existence as a people has been seriously threatened. Native Americans, as a group, are the most poverty-stricken people in the United States. They have the highest unemployment rate, the highest suicide rate, and the highest rate of alcoholism in the country.

But the times they are a changing. The Indians are fighting back again. Wounded Knee signalled the beginning of this struggle to regain their former nationhood status together with their pride, their culture, and their spiritual beliefs. About 250 indictments were handed down as a result of the "occupation" and the 70 day government siege which followed. During the siege the Wounded Knee Legal Defense/Offense Committee (WKLDOC) was formed to deal with the immediate problems at hand, like getting food to the Indians through the government lines. Since the May 6th agreement was signed the committee has taken on the primary responsibility for defending all of those persons indicted on Wounded Knee charges.

The WKLDOC is made up of about 25 persons, 8 to 10 of whom are lawyers, the rest being law students and legal workers. They live and work collectively



in beautiful, downtown Rapid City, South Dakota. The legal committee has already completed an extensive amount of pre-trial work but still much more work remains to be done as trial time approaches.

While this work goes on the committee has had to deal with a daily torrent of new crises. The situation sometimes borders on the critical. There has been a continual financial crisis making it difficult even to live and work from day to day. But the oppressive conditions that exist on the Pine Ridge Reservation and in Rapid City, as an aftermath of the seige, have been much more of a problem. Tribal Chairman Dickie Wilson has his own personal goon squad that strike at night, beating up and shooting at defenseless people. About two weeks ago a 9 year old, Indian girl, Mary Anne Little Bear, was shot in the eye while sitting in her father's car in front of their house. Federal law enforcement officials, on the reservation, have been no help though frequent requests for protective action have been made.

Not only have they refused to come to the aid of people on the reservation but the Federal government has actively sought to interrupt the defense work of the committee by consciously harassing its members and, in effect, denying the Wounded Knee defendants their rights to a fair trial. Numerous incidents have occurred bearing this statement out. The committee's investigations team was recently forced to leave the reservation for no apparent reason by a B.I.A. tribal court order. How can anyone prepare an adequate defense without the opportunity to do investigative work? WKLD OC offices and phones were bugged and kept under close physical surveillance by FBI agents. Several committee members were assaulted by FBI agents in Rapid City. In fact, a warrant was issued for the arrest of a certain Maurice Pearson, an agent who was somehow "routinely" transferred out of the state on the day that the warrant was issued. All these activities lead the committee to bring a law suit against the FBI seeking an injunction against these illegal activities. It is, at present, still pending.

What is going on in South Dakota today is not too different from what has always occurred. Less than 100 years ago the Federal government, through force of arms, actively sought to destroy the Indian nations. Today, instead of charging cavalymen, the government has enlisted the aid of the B.I.A., police, the goon squad, and the FBI. to attempt to destroy the American Indian Movement even if it means tampering with those

defendants' so-called rights to a fair trial. When will it ever end?

STUDENT REACTION TO ORIENTATION by Bruce Rose

Students new to Cleveland-marshall this year were exposed to what I consider to be dangerous and irresponsible articles published in the SBA Orientation '73 handbook. I am referring to articles written by Mr.'s Payton, Stanley, and Meckler. In this space I wish to state my objections to these articles.

Mr. Payton wrote of the Black Experience. He implied in his article that the Law School practices "sophisticated bigotry" Sophisticated, my eye! Does Mr. Payton feel that it is "sophisticated" for a professor to single out Blacks to receive low grades? Is it sophisticated to have Blacks take their own "preparation" course, or to limit the number of hours a Black student can take in any one quarter?

Mr. Payton then continues and states that Cleveland-Marshall "offers nothing new socially to the Black student". Payton has obviously not seen the new ping-pong table in the basement of the Chester Building.

Mr. Stanley presents a triad concerning student life in Law School. It's overall bluster needs no comment here. However, two points need refutation.

One is his statement, "There is no need for intimidation in Law School..." I strongly disagree for three reasons:

One) There are professors who need to act out their repressed feelings of hostility towards their parents by asserting their power and authority over students.

Two) There are students who need the intimidation-the so-called verbal tongue lashing to alleviate their feelings of guilt and inferiority.

Three) There are some people who feel the first step in learning to intimidate is being intimidated, and the ability to intimidate is a prerequisite to being a lawyer. Which leads to the next point.

Stanley seems to believe that the ABA needs to "trick" lay citizens with mystifying big words and garbled whereas..." It will be a sad day when the ABA feels the need to "trick" anyone. The ABA is quite frank

in asserting that the law is no more than a special "foreign" language and that they are very selective in who will learn this language and profit from it.

Mr. Meckler writes in Radical Legal Work so vaguely that it is hard to pin him down on specific points. First he joins Cleveland-Marshall "among the most politically conservative institutions in the country". Come now, Meckler: Do you put Marshall in the same league as Chase Manhattan Bank, The Pentagon or General Mills? I mean it's obvious that you must have something to be conserve to be conservative. Are you afraid to recognize that several professors have modishly long hair? That blue jeans are worn and will continue to be worn?

Meckler is eager to share his radical views with his brothers and sisters in the movement! But I happen to know that Meckler's own brother and sister do not share his views and his parents feel he brings shame on the family.

Mr. Meckler states his left-wing organization maintains an office where visitors are always welcome. I have been there and know that a sign on the door bans anyone in white go-go boots. It seems that Meckler, while attempting to project a "good guy help the under-dog" image is in reality the believer of myopic, permissive pooh-pooh. It is no wonder he must drink wine to discuss his political views.

I could not abide by the advice of Mr. Stanley to do as little work as possible, to not brief one's cases but to use "cans". In parting, my advice to new students is simple and straight-forward. Read until your head aches, worry until your stomach churns itself up, claw your way up until your nails are ragged, and leave the rest to God.

ON THE STUDY OF LAW

by Harold W. Fuson Jr.

Don't read.

Well, no, I didn't mean it quite the way it sounds.

Do read, but do it a little differently then you might have been accustomed.

Our first grade teachers, in their deluded but gentle way, presumed that by teaching us to read they were teaching us to learn. Other educators, the hope went, would write clear concise statements of whatever they wanted us to know and we would read them and be educated. The more we read, the more we would learn.

But, the protestations, not to mention the literacy, of a handful of legal technicians and scholars to the contrary, legal materials were not

written to be read. They were intended, like Jim Brown or O.J. Simpson to escape comprehension at all costs.

The purpose of most legal writing, it will swiftly appear to the neophyte is to obfuscate. The purpose of most casebook writers is to compound the sin.

What is the law student to do?

Don't read. Tackle. Learn, as Willie Lanier has done when to pancake-to let them knock you down so you can scramble by them un-awares. They will run over you at first. But soon you will catch glimmers of enlightenment. You will soon notice that all that furor over demurrers and plaintiffs in error and petitioners and rule nisi is like so much bump and run.

You'll see that when the judge says, "the question for decision is..." he seldom means it-its just a play take.

But the key to success is not finding the ball carrier. It is finding that in a profession where morality counts for little or nothing, right and wrong matters even less in the cases the law student reads. It is not whether Marbury won or lost, but how he played the game.

In short, the aspiring law student should measure his progress not by how much he has covered, but by how much trouble it caused him. If he knows the answer before he goes to class, it will be because he or she read it in a canned brief. If he knows the answer when he gets out of class, it is because his instructor has dropped the ball.

SBA PRESIDENT SPEAKS OUT

by Carl F. Noll

During the first week of this quarter, numerous students were asking questions about and commenting on a large variety of matters related to the new law school building. The purpose of this article is to answer some of those questions and clear up some of the confusion.

One item of interest to most students is the locker situation. For those who do not yet know it, there are over 100 lockers in the basement of the Chester Building near the student organizations' offices. Needless to say, that is far from adequate for a school of more than 1000 law students; and they were all taken in a very short time.

In order to improve the situation somewhat, the SBA is exploring several alternatives in an attempt to get additional lockers installed. Anyone who wishes to

lend her or his assistance and/or suggestions is welcome to do so. In the meantime, those who have a locker are urged to share it with someone, and those who do not should look in Stillwell Hall to see if there are any book lockers still available.

The new student lounge has also generated a great deal of comment and discussion. As a background, the lounge was planned last winter by an SBA committee working in conjunction with the Office of Campus Planning. The members of that committee were: Michael Montebone, chairman; Phyllis Marcus; Monroe Curry, Jose Feliciano; and this writer.

The furniture that is in the lounge at the time this article is being written is only a small part of what the committee ordered. Several long tables, as well as couches and other soft seating, are expected to arrive by mid-October. The tables will be located in the non-carpeted, eating area, and the couches will be on the carpet. In addition to those facilities, the SBA is trying to get a change machine installed as well as getting several more waste receptacles in order to improve the somewhat less than neat condition in which the lounge has been left since classes began.

Finally, to cover one remaining source of several questions, the SBA book exchange file will be available throughout the year. A great number of students have already utilized this service both to purchase and to sell books, outlines, and other legal materials. The file is available for inspection during the regular SBA office hours which are posted in several locations in the law school. Anyone selling a book that has been on file is requested to inform the SBA of the sale in order that the file can be kept current and so that the seller will not receive unnecessary calls.

To give you an indication of what else is being done for you, the SBA is currently working to get some picnic tables placed in the enclosed courtyard for those who wish to get out and breathe the fresh, Cleveland air; and for those who prefer the indoors, the SBA conference room (0076) is available for studying, eating, meetings, or other purposes.

If you have any questions, comments, or suggestions that you wish to direct toward the SBA, please do so. We need your ideas and we need your help to accomplish all the things that need to be done.

LAW REVIEW

Those students who have completed twelve hours of study, and have accumulative grade point averages of 2.50 or better, and who have (as of the beginning of the fall, 1973, quarter) six full quarters of attendance remaining at the Law College, are eligible to begin association with the Cleveland State Law Review as Candidates, effective immediately.

If you don't know what the Review is, what it does, and what participation can do for you now and in the future, pick up an application at the Law Review office (ROOM 1091), and come to the organizational meeting at 5:00 p.m. on Monday, October 8th, in Room 1089, to find out.

If you do know about the Review, what it does, and what it can do for you, we'll see you at the meeting, with your application. If you know that much, you'll be there.

LOOKING FOR A JOB?

Second year student interviews 1974 Summer Programs

Tuesday - Oct. 9 12:00 p.m.
Room 2024

Placement briefing for second year students about summer programs, part-time employment, work-study, etc.

Wednesday, Oct. 10th 9-5:00
Room 2060

Mc Donald, Hardy and Hopkins

Friday, Oct. 12th 9:30-5:00
Room 1037

Baker, Hostetler and Patterson

Law Placements Final Year Students

Wednesday, Oct. 10th 9:00-6:00
Room 1037

Mc Donald, Hardy and Hopkins

Thursday, Oct. 11th 10:00-6:00
Room 1037

Baker, Hostetler and Patterson



The
Gavel